

Guidance for Waivers of Instructional Time/Days

February 25, 2016

Q. What is a waiver of instructional time/day?

- A. Most districts follow the school calendar as defined in North Dakota Century Code (NDCC) 15.1-06. However, there are situations when a district may request a waiver to reconfigure their instructional days different from what NDCC outlines.

Q. What is the process to file a waiver?

- A. Reconfiguration of Instructional Days (SFN 58170), which is often referred to as School Calendar Waivers, is due March 13. The waiver can be found at www.nd.gov/dpi/SchoolStaff/TSE/waivers/. The Administrative Rules state the due date is March 1, however, the North Dakota Department of Public Instruction's (NDDPI) application has the due date of March 13. The NDDPI will accept applications through March 13.

Q. What is allowable when a district submits a waiver?

- A. Follow the questions listed on the application. Districts may propose any type of reconfiguration to the school calendar; districts can consider anything and everything in the waiver request. The most important thing is to make a case and justify why the district feels this is the best option for students. The NDDPI will consider all waiver requests and try to be flexible in accepting those that provide adequate justification for the changes as long as the request is legal. There is a stipulation in the law (NDCC 15.1-06-05) that states the period of instructional time cannot be less than nine hundred fifty-one and one-half (951.5) hours for elementary students and cannot be less than one thousand thirty-eight (1038) hours for secondary students.

Q. How long is a waiver in effect?

- A. The initial waiver is in effect for one school year after which an application for an extension may be submitted. If a district wishes to continue with the initial waiver schedule, they may wish to apply for a five-year extension.

Q. What is the NDDPI's review practice?

- A. Once the NDDPI receives the waiver request, a committee will review the request to determine whether to recommend the application be approved or denied. The committee will make every effort to review the application in a timely manner. The committee's recommendation is shared with the State Superintendent, who makes the final decision. The State Superintendent's decision will be mailed to the applicant by April 15.

Q. What about the changes in NDCC relating to Professional Development days?

- A. The 2015 legislative session changed the professional development requirements for school districts. According to the NDCC, districts can no longer have early outs and late starts to utilize a third professional development day. However, a district can submit a Reconfiguration of Instructional Days (SFN 58170) and request additional professional development day(s).

Q. Who can I contact for questions regarding the waivers?

- A. For any additional questions, contact:
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